

## MEDICO-LEGAL AND MEDICO-ETHICAL.

### OLD ACCOUNTS.

XXV YEARS A MEMBER, writes: A. sells his practice to B., with twelve months' introduction; during the partnership the firm attends C., and a small bill is incurred of £2 5s. A. was for the last twenty years attended C., who is a widow, but has never pressed for payment, and an amount of £150 was owing to A. when he left the neighbourhood. He wrote to C., asking for some payment on account, and receives £20. B., on hearing this, and in paying over cashes in settlement of accounts, deducts £1 2s. 6d., half the amount of C.'s bill contracted during the partnership introduction. Is B. justified in so doing?

\*.\* It is difficult to give a decisive opinion as we do not seem to be in possession of all the facts of the case; such contingencies should be provided for in the deed of partnership or transfer of practice, with the view to avoid the possibility of dispute. If C. paid the £20 on account to A., of the £150 she owed to him, clearly B. had no claim to a portion. If C. paid the £20 on account of her general indebtedness, then it must be ascertained what proportion £2 5s. bear to £150; the product to be divided between the two members of the firm.

### FIDGETY PATIENTS.

A. G. P. writes: I had attended a patient for a week or so, and having made my usual visit one day, went home; but next day a brother practitioner called to see me, and then stated he had called on other business at the house of the said patients, and, being an old friend of the family, asked how Mr. and Mrs. — were; to which their son said, "Pretty well; I will go and tell them that you are here," which he did, which eventually ended in his (the doctor's) going up to their bedroom to see them (they being in bed). While there, some conversation took place as to their condition, etc., ending in interrogations to the doctor as to his opinion of their case, which he very properly refused till he had seen me; which being done, I at once wrote to the people in question, saying that they had thrown a slight on me by their above conduct in asking his opinion without informing me of their wish for another opinion, and therefore I must refuse to attend them any more. I may say that a very similar thing has happened before between us, when I pointed out the injustice to me that they were doing.

\*.\* Before condemning patients for a breach of ethical duty to their medical attendant, it is more or less essential to ascertain their knowledge of the mutual obligations that are assumed to subsist between patient and practitioner, and also, as in the case in question, of the nature of the temptation to which they were subjected. Their intelligence and social position are, moreover, important factors to be considered; with regard to these, in the case of our correspondent we are left in doubt, but infer from the rural nature of the district in which he practises, and the tone of his communication, that they are farmers, or of that class. On the other hand, we note that the inculpated persons are alleged to have committed a like offence on a prior occasion, and were remonstrated with. Nevertheless, in the present apportionment of blame, regard should be had to the relative standard of their moral sensibility, and of the inciting influence of the interviewing practitioner. Be that as it may, we are of opinion that, under the circumstances related, A. G. P. was justified in ceasing his attendance.

## OBITUARY.

HENRY GAWEN SUTTON, M.B.LOND., F.R.C.P.,

Physician and Lecturer on Pathology London Hospital.

WE announce with great regret the death of Dr. H. G. Sutton, of pneumonia after influenza, at the comparatively early age of 55. Dr. Sutton was the son of a Middlesbrough shipowner, and was intended for the sea. His scientific habit of mind doubtless determined his choice of the medical profession, a choice very happy for medical art and science.

He was a student at King's College, and graduated at the University of London, marrying before he was 20, while still a student. At first he was in general practice in the north of London, but after a few years (in 1863) he became a Member of the Royal College of Physicians and began to practise as a physician. He was at this time a most diligent student, following more especially the teaching of Drs. Gull and Wilks. He looked upon Guy's as his foster parent in medicine, and retained a life-long friendship with his former teachers. A great deal of what was most characteristic of Sutton was developed under the influence of the Guy's spirit of the time, the work of Bright and Addison being still worthily carried on by their successors.

He was elected assistant physician to the London Hospital in 1867, and full physician in 1876. The work he did at this institution was great, continuous, and of the highest scientific and practical value. For many years he was almost daily

at work in the wards or in the *post-mortem* room. It was once remarked of him with pardonable exaggeration: "He was never out of the hospital." Hence very early he had not only acquired most extensive knowledge of, but a great familiarity with, disease. He was what is called "an all-round man," knowing thoroughly well, however, the technicalities of each department of medicine. He was in no sense whatever a specialist, for it is possible for what is called an "all-round man" to be a specialist in each department; it is possible for him to know many things about symptoms and cases and not much of patients; possible for him to consider cases of this or that disease as altogether separate and independent entities, just as the most narrow-minded specialist may do. In all medical subjects Dr. Sutton had a fervid interest. He was exceptionally strong in taking both a wide and precise view of a case of disease.

He had a very extensive knowledge both of morbid anatomy and of pathology. For years he worked almost daily and nightly in the *post-mortem* room and the museum, and many of the rising physicians in London remember with gratitude Sutton's Friday evenings at the London Hospital, where he was ever ready to assist any comer with his best knowledge. In this work his researches had very wide bearing, and we think their full value will have to be gauged by a later generation. His work with the late Sir W. Gull, not only on arterio-capillary fibrosis but on the natural history of rheumatic fever, is widely known and highly valued. His last book on medical pathology is very original. It was never intended to be a conventional textbook, and serves rather as a notebook of suggestions for men who have worked under Sutton. It is nevertheless widely useful and full of profound wisdom. It does not do the author justice as it is incomplete, and does not show the store of experience from which he drew. We believe there is still in manuscript a second series of lectures which we hope to see printed.

There are few diseased conditions and few medical questions about which he could not have written fully from his personal experience. We do not wish to throw a shadow of blame on this great physician when we say that it is to be lamented (a strange lamentation in these days) that he did not publish more. Students and colleagues urged him to give to the profession at large what he so liberally gave to those it was both his duty and his pleasure to teach. He was a man of the most extraordinary clinical acumen. He taught with a confidence justified by knowledge acquired by years of direct work at cases of disease, and of patient and laborious investigations in pathology. As a teacher, he will long be remembered. Although he gave so little directly to the world, yet by training numerous students to be fit for the work they were to engage in in the future—to be good men and helpful at the bedside—he has greatly benefited his profession. All over the world are men who are better practitioners of medicine through Sutton's training. Many will feel that, through the example of honest steadfast work, through witnessing the patient and thorough investigation of disease, case by case, and through well-considered and wide-reaching observations on general principles founded on pathology (never divorced from clinical medicine), they owe a deep debt to Sutton. He was of a most amiable disposition; he was both beloved and trusted; he had the candour, frankness, and directness of a strong and cultivated man. The youngest student and his oldest colleagues look on his death as a bitter calamity. The London Hospital has lost a good physician, the school has lost a great teacher who had its interests ever at heart, and men in all parts of the kingdom have lost a friend whose memory they will reverently cherish. It is vain to deal with mere laudation of such a man. We can close this part of our task by saying that he was as estimable for the nobility of his character as for his intellectual endowments and for his good work done. We now speak of his private life. There was much in the private life of the man which was noteworthy, but which we can only slightly refer to here. He was the kindest and the almost too generous helper of the afflicted; few who sought his help were turned away, however worn he might be himself, without good advice and in many cases material assistance. He was loved by the young and by the suffering. He felt the need for relaxation, and of late years had in succession followed fishing, music, and painting, and in his quaint way used to say he should soon get young

enough to dance again. He had a fund of humour, and no one enjoyed a joke more than he. He often astonished his patients by the directness and quaintness of his advice. Nothing can better convey the feeling of all at the hospital for him than the kindly messages sent during his illness and the feeling testimonies at his grave. "Men and women" thanked him for his helpful example, and the resident medical officers sent a laurel wreath with the words "He needs no rosary whose life is strung with beads of thought and love," and with this we leave him.

The following paragraphs have been received from Dr. S. Wilks, one of Dr. Sutton's oldest friends:

"I feel proud in being asked to add my mite to do honour to the memory of our late friend. The details of his life are best known to those with whom he came daily in contact, and his medical teaching can be best described by his numerous pupils. I trust there are those amongst them who, from notes of his lectures or from correspondence, will be able to give us some of his choicest thoughts. For my part, all that I can say or think of him is of the best kind. It is a maxim to speak only well of the dead, and to leave untouched all that is unpleasant concerning them, but of Sutton there is no other side but the good. Professionally, he was far in advance of the multitude by the profundity of his views, and personally he was the most charming, or, I might say, the sweetest of men, wearing, as he did, the white flower of a blameless life. He possessed an amiability and delicacy of character which was almost womanlike, and yet he was strong enough to maintain the right and abjure the wrong. His friendships were of the firmest, and past intimacies he never forgot. Whilst practising his profession for a livelihood, and with a purely scientific mind, he also felt he was working for humanity, and that he was striving to diminish the suffering of his fellow-creatures. Indeed, so interwoven were these highest instincts with his scientific aim and his daily practical life, that it was impossible to separate them; they were deeply rooted in his nature. His utterances were sometimes not understood; this was in part due to the profundity of his thoughts, and in part due to the quaintness of his language (Carlylesque). Circumstances of life of late too much sundered us, but he never forgot on each succeeding New Year's day to send me a remembrance of our friendship; and many of the letters he then wrote I now have by me which express with great candour the workings of his mind. A few extracts from these will, better than I can venture to do, afford to those who did not know Sutton some idea of what was in him, and what manner of man he was."

"Need I hesitate to repeat my acknowledgments, for all experience tells us, as we wander onwards through many crossing paths, that it is helping to tell each other of the genuine streams that aid our thirst and support us. And in our profession there is much sadness beneath the actual demonstration, but in knowledge there is a beauty and sweetness which, as large-hearted Burns said, confounds rule and law and reconciles contradiction."

"I wish we met as we used to do, and speak of pathological questions and subjects. It is very encouraging to see how new comes out of old, and that mighty order is prevailing. I find it very encouraging to increasingly observe that order comes through disorder, and whether we term it discord or disease the end by progress comes as the morning comes from the darkness of night. It is pathology which has helped me to see more physiology and to love life more and more."

"It seems as if many poor creatures never have the opportunity of getting into the road to really see; they seemingly fail to perceive, and so drudge on in daily grooves. They are told to practise unselfishness; in other words, devotion to humanity, to love their neighbour as themselves, but they never did love themselves, and how can they love their neighbours? The greatest enemy I come across in my work is false teaching of persons to undervalue their own nature, and instead of teaching them to know it and appreciate how marvellously perfect the body is, they are urged to reform and be converted to a nasty business."

"The study of pathology, acquaintance with human suffering and feeling with it, reveals how it is depressed, deadened, and encased until it longs to get away. The old tinker Bunyan was manifestly a pathologist. You notice that I wander on, and am more inclined to be disagreeable as well

as agreeable. I wish for you and yours a happy new year, and trust that you will be spared to go on doing as you have been doing."

"I was very pleased to have your two letters, and thank you much for the encouragement that you have given me. When I agreed that the lectures should be published, I was obliged to recognise that much that I said and more that I referred to would be slowly seen, only by degrees, and not seen at all unless the reader would go the road and keep his mind open. I knew what I had gone through and how I had suffered and been taught by contact, and I worked therefore simply to record as a traveller does, speaking to many minds on the road, blending feeling with feeling to know how to go easier, and by relieving needless suffering promote more work. The aim of medicine, we would argue, should be to guide persons to be able to do more needful work, to secure their own individual independence and the happiness in store for themselves. In looking round it is evident that the Supreme Mind is always working, beautifully and delightfully working, and many of us have experienced the greatest happiness in working. So the art of medicine guides persons how they may be supplied and filled with power to work out their own happiness."

"On looking back, we cannot but see that medicine has made a great advance in our time, and, although it was the fashion to say that pathological teaching has done little for the treatment of disease, I have felt that such an assertion was due to an oversight it failed to perceive in removing ignorance. Pathological investigation had promoted treatment and introduced a confidence that has been a great relief."

"I wish that we could begin again, start from our present position and long experience to take a deeper insight into human suffering. It would be a compilation of records of what we had journeyed through with our own fellow-creatures, and with a view of seeing how the suffering and misery are to be got rid of. There should be a rational therapeutics derivable from pathological teaching; but it cannot be gained by merely looking at lower agencies, which are disintegrating and crumbling to pieces, and which cannot develop into greater and higher usefulness. But see, rather, how we come to miss the greater constructive powers, and in missing them become conscious of failure and disappointment. In other words, a more practical pathological teaching is called for."

"In January of this year he wrote his last letter to me. In this he says: 'What a ceaseless struggle it is in human creatures—especially in our poor selves—to know how to take the past! Some seem to struggle to think well of it—a hopeless attempt; some would ignore it, which is impossible. There is a great deal to look back upon, to really reflect upon with pleasure and gratitude. It is a blessing to know that the love of knowledge is one of the sweetest enjoyments of this earth. How different should we now regard pathological questions, much more considering the hindrances and difficulties which are met with; and, seeing that the systems derived from narrow observations and hardened by fear, it would be valuable to feel our way as to how they should be counteracted.'

"In a postscript he adds: 'The bacillus is telling a tale—but, as far as I see, only a *tail*, or not so much as that.'

"I hope this short notice will tend to unbosom many more of his sayings and reflections, not only for the sake of adding to the lustre of his name, but for the benefit of our profession. When I think of him roaming about in the fields and along the lovely lanes of Sevenoaks, I am reminded of Wordsworth's *Wanderer*, as Sutton might have said with him:—

On man, on Nature, and on human life,  
Musing in solitude, I oft perceive  
Fair trains of imagery before me rise,  
Accompanied by feelings of delight  
And dear remembrances, whose presence soothes  
Or elevates the mind, intent to weigh  
The good and evil of our mortal state."

An old pupil of Dr. Sutton's writes:

"It was impossible at times to recognise the means by which Dr. Sutton came to his conclusions. How accurate these conclusions were is known to thousands. On one occasion I ventured to say, 'Why do you place your hand upon your patient's epigastrium and let it remain there?' He said, with that gentle smile of his, 'I am feeling my way into the

patient.' Probably no man ever trusted the sense of touch so much in diagnosing disease. The first recollection which I have of Dr. Sutton was when he was lecturing on pathology at the London Hospital, and I can now picture that fine head, those clear, blue, beautiful eyes, those fine supra-orbital ridges, and I can recall how he commenced his lecture. Placing one thumb (his left) in his trousers pocket, he looked up, and slowly said: 'Gentlemen, I want you to *love* pathology, for pathology will teach you the morbid processes which govern the body as physiology does the normal, and you must be able to watch these morbid processes from beginning to end; if not, you cannot understand disease; if not, you will be like a sailor without a compass.' This sentence gives the keynote to his life; his medical knowledge was built upon the impregnable rock of pathology.

"There were so many sides to Dr. Sutton that in a short sketch it is impossible to convey any adequate idea of him. He was a profound pathologist, a practical physician, and a man who possessed in a manner I have never seen surpassed the clinical instinct. It probably was not so generally known that he was also a deep student of philosophy—Spinoza especially—and a great reader of the poets. He was a true lover of art, and beauty, and Nature; but no sketch of Dr. Sutton would be complete without alluding to his deeply religious feeling. I have a letter before me which was written on May 1st, 1891, which contains the following sadly prophetic words: 'I work on to promote the art of medicine; now I perceive what the Master meant when he said: "He who would gain his life shall lose it." Here comes the opportunity for the art of medicine.'"

Dr. Sutton was buried on Friday, June 12th, at St. Nicholas Church, Sevenoaks. Amongst those present to pay respect to the deceased physician were Dr. Wilks, of Guy's Hospital; Dr. Sharkey, of St. Thomas's; Dr. Savage, his son-in-law; and from amongst his colleagues were Dr. Hughlings Jackson, Senior Physician; Mr. Waren Tay, Senior Surgeon; Dr. Stephen Mackenzie, Dr. Turner, Dr. Herman, Dr. Lewers, Mr. Openshaw, Mr. A. Druce, of the House Committee; and many of the resident staff.

#### SIR HENRY COOPER, M.D.LOND., F.R.C.P.

SIR HENRY COOPER died at his residence, 12, Albion Street, Hull, on May 21st. He was born in 1807, the son of Mr. Samuel Cooper, a merchant interested in the whaling trade. His mother belonged to the Priestley family, from which was derived the famous chemist.

Henry Cooper was educated at private schools, and at the age of 16 became a pupil of Dr. Fielding, of Hull. He entered at University College (then the University of London) in its first session (1828), gained several class prizes during his attendance there, and obtained the diplomas of M.R.C.S. and L.S.A. in 1830. After a short time spent in Edinburgh and Paris, he entered into partnership with Mr. Lunn, of Hull. In 1840 he was appointed surgeon to the Hull Infirmary, and in the same year he took the degree of M.B. in the University of London. In the following year he took the degree of M.D., and after a further period spent in study at home and abroad, he again returned to Hull, and was elected physician to the infirmary in the room of Sir James Alderson. In 1848 he took a leading part in the sanitary survey of the town, and in the official inquiry which was subsequently held. In 1849 he published a pamphlet on the *Medical Topography and Vital Statistics of Hull*. In that year the cholera raged with great virulence in the town, and he acted as superintendent of the Sulcoats district.

In 1848, when the British Medical Association held its meeting in Hull, Dr. Henry Cooper was selected to read the address in medicine. In 1853 he acted as joint secretary to the British Association which met in Hull in that year.

From an early date he had taken an interest in municipal affairs. He was one of the first elected members of the reformed corporations. He was mayor in 1854-5, and received the honour of knighthood during the Queen's visit to Hull in the former year. He took a warm interest in the Literary and Philosophical Society, of which he was several times president, and took an active part in the management of the

model dwellings. On the formation of the School Board he was elected chairman, a post which he held for six years. In 1874, on retiring from the active staff, he was elected consulting physician to the infirmary, and was chosen chairman of its Board of Management.

At a public meeting held at the Town Hall on December 21st, 1877, it was resolved that the public services rendered by Sir Henry should be recognised by the establishment of a scholarship, which was called the Sir Henry Cooper Scholarship. From that time Sir Henry ceased to take any share in public affairs. He went to London owing to his failing health, but a few months ago returned to Hull, and up to the time of his death he led a quiet and inactive life.

#### J. W. F. SMITH-SHAND, M.D.,

Regius Professor of Medicine, University of Aberdeen.

THE profession throughout the country will learn with deep regret of the sudden death from cerebral hæmorrhage on June 12th of Dr. J. W. F. Smith-Shand, Professor of Practice of Medicine in the University, Senior Visiting Physician and Clinical Lecturer in the Royal Infirmary, Aberdeen.

James William Fraser Smith-Shand, who at the time of his death was 58 years of age, being the third oldest professor in the University, was born in India, where his father was a doctor in the service of the East India Company. His mother was a daughter of Bishop Torry, the Incumbent of St. Peter's, Peterhead, and Bishop of St. Andrews and Dunkeld. From her the deceased professor derived his ardent love for the Episcopal Church, in whose internal struggles his grandfather had taken a conspicuous and now historical part. Coming over to Scotland when he was about 3 or 4 years old, Professor Smith-Shand was placed under the care of his father's sister. In due course he was removed to Trinity College, Glenalmond, under the charge of Dr. Wordsworth, now Bishop of St. Andrews. He early developed a liking for literature, and especially for the subtleties of the Greek drama; and to the last he delighted to recite from memory some of the more striking Greek choruses. Before leaving the school he became Prefect of Trinity College. In 1855, he graduated in medicine at King's College—the Alma Mater of his father. He subsequently became a L.R.C.S. of Edinburgh, and proceeded to Paris, where he spent some time. From Paris he returned to London and spent some time in the hospitals in the metropolis, and after a tour of considerable duration in Germany and the Tyrol, he finally settled in practice at Broughty Ferry.

About 1868 he returned to Aberdeen, and gradually built up a practice in which his kindly, genial nature and unobtrusive disposition made him much respected. In 1875 he was appointed Professor of Medicine in the University, in succession to the late Dr. Macrobin. Prior to his election to the chair, Dr. Smith-Shand was appointed a clinical lecturer at the infirmary, where for several years he had been senior visiting physician.

Although never figuring very conspicuously in public affairs, he took a warm interest in the Episcopal Church, and contributed frequently to its literature. He was a director of one or two financial companies, and took a little interest in politics. With his medical brethren Dr. Smith-Shand always had the most friendly relations. For two periods in succession he was chosen president of the Medico-Chirurgical Society, and presided at the centenary dinner two years ago, when he delivered an interesting speech on the history of the Society. Though somewhat shy in the company of strangers, among his intimate friends he was much beloved for his quaint sense of humour and his admirable powers as a *raconteur*.

As a teacher and lecturer he was highly popular, though none strove less to acquire popularity. Though by no means an "easy," he was universally acknowledged to be a very fair examiner, his effort ever being to reassure the candidate, and to elicit knowledge rather than to expose ignorance. A thorough knowledge of his subject, a long and wide experience in its practice, and admirable facility in imparting information in clear, crisp, and graphic terms, caused his clinics and systematic lectures to be held in high esteem.

Dr. Smith-Shand was a thoroughly sound practical phy-